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LEE, HONG, DEGERMAN, KANG & SCHMADEKA, P.C.  
801 SOUTH FIQUEROA STREET  
14TH FLOOR  
LOS ANGELES, CA 90017

EXAMINER

SHIBRU, HELEN

ART UNIT PAPER NUMBER

2621

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/922,818

Applicant(s)

KIM, EUN SAM

Examiner

HELEN SHIBRU

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Response to Amendment***

1. The amendments, filed 03/02/2006, have been entered and made of record. Claims 1-20 are pending. In view of the Applicant's amendment to the drawings, the objection of the drawings is hereby withdrawn.

***Response to Arguments***

2. Applicant's arguments filed on 03/02/2006 have been fully considered but they are not persuasive.

In re page 8, Applicant states "Skelley system cannot therefore teach selecting some of the recorded programs, and merging the selected programs into a new program as recited in claim 1".

In response the Examiner respectfully disagrees. Skelly teaches pre-defined events for a particular performance. These pre-defined events may be characterized as a special event, for example hockey game, a goal, or a shot. The operator elects these events to record as a clip (see col. 5 lines 38-45). Skelly further discloses each event is entered in to the event database (see col. 5 lines 45-50). As shown in figure 2, the database of events, and the clips on the source recording, are reviewed, edited and sorted into a preferred sequence (see col. 6 lines 18-28).

The examiner noted in claim 1 of the present application that there is a New program created. Skelly teaches a target recording in which the selected sequence of clips, and selected information from the event database associated with the clips are recorded (see fig. 2 and col. 6 lines 26-34).

The examiner believes that the claimed invention does in fact read on the cited references for at least the reasons discussed above and as stated in the detail Office Action as follows. This Office action is now made final.

***Claim Rejections - 35 USC § 102***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1, 3-9, 11-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Skelley (US Pat. No. 6,795,638).

Regarding claim 1, Skelley discloses a method for editing a digital broadcasting material, the method comprising the steps of:

clipping segments from the digital broadcasting material consisting of program segments and being recorded in a recording medium in a stream type (see col. 4 lines 48-62, col. 5 lines 38-51 and line 52-col. 6 line 3);

recording the clipped segments as new programs, respectively (see col. 5 lines 38-51 and line 64-col. 6 line 10 and lines 31-33) ; and

selecting some of the recorded programs, and merging the selected programs into a new program (see col. 6 lines 25-34 and col. 7 lines 46-54),

wherein the step for clipping the segments comprises the steps of:

reproducing the digital broadcasting material (see col. 6 lines 23-31); and

selecting a predetermined period of the digital broadcasting material, by designating a start point and an end point thereof (see col. 5 lines 14-29 and lines 43-65, col. 6 lines 28-31 and col. 7 lines 14-22).

Regarding claim 3, Skelley discloses full streams of the digital broadcasting material are reproduced (see col. 4 lines 48-62 and col. 6 lines 23-26).

Regarding claim 4, Skelley discloses the digital broadcasting material is reproduced at intervals of a predetermined length (see col. 4 lines 34-62 and col. 5 lines 43-51).

Regarding claim 5, Skelley discloses a representative screen of the digital broadcasting material is reproduced (see col. 5 line 51-col. 6 line 3).

Regarding claim 7, Skelley discloses the step for selecting some of the recorded programs, and merging the selected programs into the new program comprises a step for recording a screen relating to the merged program (see col. 5 lines 37-51).

Regarding claim 8, Skelley discloses a method for editing a program in a personal video recording system, the method comprising the steps of:

reproducing a program recorded by a user (see col. 4 lines 48-62);

clipping predetermined periods of the reproduced program by selecting a start point and an end point associated with each the predetermined periods (see col. 5 lines 22-30 and 43-51);  
and

recording the clipped predetermined periods (see col. 5 line 66-col. 6 line 3 and lines 31-34); and

merging selected periods of the recording predetermined periods into a merged program (see col. 6 lines 28-34).

Regarding claim 9, Skelley discloses the program recorded by the user is a broadcasting program recorded in a hard disk (see col. 3 line 62-col. 4 line 10 and 57-62, and col. 9 lines 28-41).

Regarding claim 11, Skelley discloses full streams of the program recorded by the user are reproduced (see col. 4 lines 34-62 col. 6 lines 20-26).

Regarding claim 12, Skelley discloses the program recorded by the user is reproduced at intervals of a predetermined length (see col. 5 lines 31-37).

Regarding claim 13, Skelley discloses a representative screen of the program recorded by the user is reproduced (see col. 5 line 51-col. 6 line 3).

Regarding claim 14, Skelley discloses a method for editing a program in a personal video recording system, comprising the steps of:

- reproducing a recorded program (see col. 4 lines 48-62);

- clipping predetermined streams from the reproduced program by selecting a start point and an end point associated with each the predetermined streams (see col. 5 lines 22-30 and 43-51);

- recording the clipped streams (see col. 5 lines 38-51 and col. 6 lines 18-34);

- merging the recorded clipped streams (see col. 5 lines 51-66, col. 6 lines 26-34, col. 9 lines 45-55), and

- recording the merged streams as a new program (see col. 5 lines 51-58).

Regarding claim 15, Skelley discloses the step for merging the clipped streams designates an order of the clipped streams, and merges the streams in the designated order (see col. 5 line 51-col. 6 line 3 and col. 9 lines 45-55).

Regarding claim 16, Skelley discloses the step for merging the clipped streams merges a representative screen of the clipped streams (see fig. 9 and col. 5 lines 43-51).

Regarding claims 17-19, these claims are rejected for the same reason as discussed above in claims 3-5 respectively.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skelley in view of Escobar (US Pat. No. 5,659,793).

Regarding claim 2, claim 2 differs from Skelley in that the claim further requires the digital broadcasting material is provided in a multiple number. Although Skelley does not specifically teach that the materials are provided in a multiple number, Skelley teaches the event database includes different event types (see col. 5 lines 43-48). Skelley also discloses related events can be added to the database from another source (see col. 5 lines 48-51).

In the same field of endeavor Escobar discloses the video assets are marked as beginning and ending point (see col. 11 line 61-col. 12 line 4). Escobar further discloses the assets are originated from different channels (see fig. 7 and col. 12 lines 4-5). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Skelley by providing broadcasting material in multiple number in order to retrieve objects from different server.

Claims 10 and 20 are rejected for the same reason as discussed in claim 2 above.

*Conclusion*

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

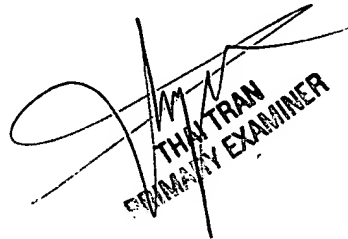
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571) 272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Helen Shibru  
April 9, 2006



THAI TRAN  
PRIMARY EXAMINER